

MESSAGE NO: 4276302 MESSAGE DATE: 10/03/2014

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: COR-Correction

FR CITE: 75 FR 53661 FR CITE DATE: 09/01/2010

REFERENCE MESSAGE # 0266306, 4100308
(s):

CASE #(s): A-412-201

EFFECTIVE DATE: 09/01/2010 COURT CASE #:

PERIOD OF REVIEW: 05/01/2008 TO 04/30/2009

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Correction of message 0266306, dated 09/23/2010, liquidation instructions for ball bearings from the U.K. exported by the Barden Corporation (UK) Limited and/or Schaeffler (UK) Limited (A-412-201)

1. This is a correction to message 0266306: Liquidation instructions for ball bearings and parts thereof from the United Kingdom exported by Barden Corporation (UK) Limited and/or Schaeffler (UK) Limited for the period 05/01/2008 through 04/30/2009 (A-412-201).

2. Paragraphs 1, 2, and the RE: line of message 0266306 contain incorrect information. In message 0266306, Commerce instructed CBP to liquidate entries of ball bearings and parts thereof from the United Kingdom exported and/or sold by the Barden Corporation (UK) Limited (Barden). Commerce should have also included the company Schaeffler (UK) Limited (Schaeffler) because Barden and Schaeffler are considered to be the same company. Below is the fully corrected message.

3. For all shipments of ball bearings and parts thereof from the United Kingdom exported by the Barden Corporation (UK) Limited (A-412-201-001) and/or Schaeffler (UK) Limited (A-412-201-004), imported by or sold to (as indicated on the commercial invoice or Customs documentation) the firm listed below, and entered, or withdrawn from warehouse, for consumption during the period 05/01/2008 through 04/30/2009, assess an antidumping liability equal to the percentage listed below of the entered value.

Importer or customer: The Barden Corporation

Final rate: 0.00%

4. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of ball bearings from the United Kingdom produced by the Barden Corporation (UK) Limited and/or Schaeffler (UK) Limited, entered, or withdrawn from warehouse, for consumption during the period 05/01/2008 through 04/30/2009, entered under case numbers A-412-201-001 and/or A-412-201-004, and not covered by paragraph 3, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for ball bearings and parts thereof from the United Kingdom is 54.27 percent.

5. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3 occurred with the publication of the final results of administrative review (75 FR 53661, 09/01/2010). Effective 09/15/2011, the antidumping duty order on ball bearings and parts thereof from the United Kingdom was revoked (79 FR 16771; 03/26/2014). See also message 4100308 dated 04/10/2014.

6. There are no injunctions applicable to the entries covered by this instruction.

7. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI: HP.)

10. There are no restrictions on the release of this information.

Michael B. Walsh

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Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party